REMARKS

Claims 1-3, 5, 6, and 12-17 are pending in the present application. All of these claims stand finally rejected. Reconsideration of the present rejections is respectfully requested in light of the following remarks.

Claim Rejections – 35 U.S.C. §103

Claims 1-3, 5, 6, and 12-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over McDonough (U.S. Patent no. 6,453,959) in view of Czaja et al. (U.S. Patent No. 6,459,689). Applicant respectfully traverses this rejection for the following reasons.

Concerning claim 1, the present Office Action maintains that McDonough teaches, among other things, the claimed "second PN generator to generate a second PN sequence at a second offset, wherein [a] first PN sequence is generated from equations different from equations used to generate the second PN sequence" and "second spreader to receive and spread a second pilot data with the second PN sequence" as featured. Applicant respectfully disagrees with these assertions and submits that McDonough does not teach or suggest all of the elements of claim 1 for the following reasons.

Applicant first notes that arguments presented previously in Applicant's response filed October 12, 2010 are maintained and explicitly avowed, but for sake of brevity are not repeated in this response. Before submitting other arguments in support of reconsideration of the present rejections, Applicant would first like to address arguments presented in the present Office Action proffered in response to Applicant's previous arguments in the remarks that immediately follow.

In the previous response, Applicant submitted, in essence, that McDonough teaches only the need for a single pair of in-phase (I) and quadrature (Q) sequences for operation of the disclosed system, not two or more pairs since only one spreader would be used in McDonough. As an example, Applicant noted therefore that a second pair of in-phase (I) and quadrature (Q) sequences different from one of the disclosed I and Q polynomial

sequences (e.g., the sequences in lines 1-5 of col. 13 (not column 6 as incorrectly indicated previously)), would not be needed, as there is no need or motivation to generate a second, distinct PN sequence for a second and distinct spreader. In response, the present Office Action asserts that because McDonough stores two or more data sequences related to different operational standards (e.g., IS-095 or IS-2000) and the polynomial equations associated with these standards are different, that this argument is not tenable.

Applicant respectfully submits, however, that this rebuttal appears to miss the import of the argument. The argument is not that McDonough fails to teach the ability to generate different PN sequences or that the polynomial sequences for IS-95 and IS-2000 are indistinguishable, but rather that in operation, McDonough does not disclose making use of more than one pair of the stored I and Q polynomial sequences at one time and thus, only a single spreader is taught or suggested. Only one spreader operable with sequences for a presently chosen standard at a particular time is needed for transmissions by the transceiver device of McDonough. In particular, the disclosed transceiver device (e.g., 1010 in FIG. 10) only operates according to one technology standard at a time and would have no need or even suggested need to transmit according multiple standards. (See also, col. 13, lines 41-44). Thus, it is both contrary to the disclosure of McDonough and illogical to assert that the reference teaches or suggests the claimed "second spreader to receive and spread a second pilot data with the second PN sequence" in addition to a first spreader.

This teaching of a single spreader is further evidenced in FIG. 21 and col. 19, lines 3-20 of McDonough . In particular, spreading is performed in a modulator (e.g., 1210 as shown in FIG. 21, and in the larger context of the digital transceiver 1012 shown in FIG. 12). The modulator 1210 in McDonough only receives a single I, Q pair (pnI, pnQ) from the sequence generator (1202) that is used to spread data to be transmitted by the analog transceiver 1010. Thus, regardless of which standard and polynomials are being selected and output by the sequence generator 1202, or even how many different types of sequences can be generated by generator 1202, only a particular, single I,Q pair will be used by the spreader 2104 as clearly shown in FIG. 21. Accordingly, Applicant respectfully submits that the rebuttal offered in the present Office Action is untenable, and that the prior art does

not teach the claimed "second spreader to receive and spread a second pilot data with the second PN sequence."

Additionally, it appears that the Office Action's rebuttal is also suggesting a line of reasoning that an explicit showing the claimed features of distinct first and second PN generators such as illustrated in FIG. 7 of the present application (added in the amendment filed March 16, 2009) can be expediently overlooked if it can be shown in the prior art that a single PN generator could receive different input control data at different times so as to accommodate different technologies in a wireless device. Applicant respectfully submits that resort to such expediency belies the establishment of *prima facie* obviousness by neglecting to explain how the prior art either meets all of the claim elements or how the difference between the claims and McDonough would have been obvious to one skilled in the art (See e.g., M.P.E.P. § 2141.III). Applicant further submits that the sequence generator 1202 in McDonough, while allowing the capability to output different PN sequences dependent on the system selected for device 1004 to operate within (See e.g, col. 13, lines 42-47), is still only operable for generating a single PN sequence usable by a single spreader 2104. In short, the PN sequence generator 1202 is a computational/memory device that merely outputs a single sequence responsive to an input. The generator is not taught or suggested to output multiple PN sequences to the modulator 1210 performing spreading, nor receive multiple inputs that would result in two distinct PN sequences being output. Thus, distinct first and second PN generators as claimed, are not explicitly taught or even suggested by McDonough.

Furthermore, Applicant notes that McDonough, contrary to the assertions in the present Office Action, does not explicitly teach first and second pilot data, spreading that first and second pilot data, and further spreading those data using respective first and second PN sequences as featured in claim 1. Even assuming, for the sake of argument, that first and second PN sequences could be generated concomitantly and that the modulator 1210 spreads pilot data, because the apparatus of McDonough teaches only a single spreading filter 2104 using a single I, Q pair or PN sequence, McDonough nonetheless fails to teach or even suggest spreading first and second pilot data using respective first and second PN sequences.

Accordingly, for at least the reasons above, as well as the reasons presented in the Applicant's response filed October 12, 2010, Applicant respectfully submits that McDonough fails to teach or suggest all of the elements of claim 1 it is alleged to teach.

Applicant also again submits here that Czaja fails to make up for the shortcomings of McDonough. As argued previously in past responses, Czaja does not teach or suggest a "first PN sequence . . . generated from equations ***different*** from equations used to generate [a] second PN sequence." Accordingly, Czaja does not make up for the shortcomings of McDonough and, thus, McDonough and Czaja, either taken separately or combined, do not teach or suggest all of the elements of claim 1. Applicant notes also, in response to arguments in the present Office Action, that although it is understood that the rejection is based on a combination of references, Applicant is merely noting here that Czaja cannot be relied upon as somehow teaching or suggesting the elements missing from McDonough as discussed above as this reference too does not teach these elements. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 in light of McDonough and Czaja.

With respect to independent claims 12 and 15, these claims contain elements similar to those discussed previously with respect to claim 1. Accordingly, these claims are also believed to be allowable over McDonough and Czaja for at least the same reasons as claim 1.

Since Applicant submits that independent claims 1, 12, and 15 are allowable in view of the McDonough and Czaja references, claims 2, 3, 5-6, 13-14, and 16-17 depending from these allowable independent claims are also believed allowable for at least the same reasons, as well as on their own merits. Applicant also notes here with respect to claims 6 and 14, in particular, that contrary to the assertions in the Office Action, McDonough does not disclose the particular claimed polynomials. Accordingly, the cited references, whether in combination or taken separately, fail to teach or suggest all the claimed elements of the present dependent claims.

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In view of the foregoing remarks, Applicant respectfully submits that all claims of the present application are in condition for allowance. Reconsideration of all of the claims is respectfully requested and allowance of all the claims is solicited. Applicant respectfully

Although no fees are believed due with this response, please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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